

REFERENCE TITLE: residential conservation inspection districts

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2347

Introduced by
Representative Nelson

AN ACT

AMENDING TITLE 9, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 12; AMENDING SECTION 33-1247, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1814; AMENDING SECTION 33-1902, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 17, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1906; AMENDING SECTION 42-15103, ARIZONA REVISED STATUTES; RELATING TO RESIDENTIAL CONSERVATION INSPECTION DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, Arizona Revised Statutes, is amended by adding
3 chapter 12, to read:

4 CHAPTER 12

5 RESIDENTIAL CONSERVATION INSPECTION DISTRICTS

6 ARTICLE 1. GENERAL PROVISIONS

7 9-1301. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "BUILDING CODE" MEANS THE CONSTRUCTION CODES THAT WERE IN FORCE AT
10 TIME OF BUILDING CONSTRUCTION, INCLUDING PLUMBING AND MECHANICAL CODES,
11 ELECTRIC CODES, RESIDENTIAL CONSTRUCTION CODES, ENERGY CONSERVATION CODES AND
12 EXISTING BUILDING CONSTRUCTION CODES, AND INCLUDES ANY PROPERTY MAINTENANCE
13 CODES, NEIGHBORHOOD PRESERVATION CODES, ANTI-BLIGHT CODES OR OTHER SIMILAR
14 CODES, HOWEVER DENOMINATED.

15 2. "EXTERIOR INSPECTION" MEANS THE VISUAL INSPECTION OF ANY PORTION OF
16 A RESIDENTIAL DWELLING UNIT THAT CAN BE SEEN FROM A PUBLIC STREET OR OTHER
17 RIGHT-OF-WAY.

18 3. "INITIAL INSPECTION" MEANS THE FIRST INSPECTION OF A RESIDENTIAL
19 RENTAL DWELLING UNIT AFTER THE ESTABLISHMENT BY ORDINANCE OR RESOLUTION OF A
20 RESIDENTIAL CONSERVATION INSPECTION DISTRICT OR AN INSPECTION IN RESPONSE TO
21 A COMPLAINT FILED BY AN ADJACENT PROPERTY OWNER OR A LAWFUL TENANT OF THE
22 PROPERTY.

23 4. "INTERIOR INSPECTION" MEANS A PHYSICAL OR VISUAL INSPECTION OF THE
24 INTERIOR OF A RESIDENTIAL RENTAL DWELLING UNIT AND OTHER PORTIONS OF A
25 RESIDENTIAL RENTAL DWELLING UNIT THAT ARE NOT VISIBLE FROM A PUBLIC STREET OR
26 RIGHT-OF-WAY THAT IS MADE FOR THE PURPOSE OF LOOKING FOR BUILDING CODE
27 VIOLATIONS.

28 5. "OWNER" MEANS THE PERSON, CORPORATION, LIMITED LIABILITY COMPANY,
29 PARTNERSHIP, LIMITED PARTNERSHIP, TRUST OR REAL ESTATE INVESTMENT TRUST SHOWN
30 ON THE LAWFULLY RECORDED TITLE TO THE PROPERTY.

31 6. "OWNER-OCCUPIED DWELLING UNIT" MEANS A DWELLING UNIT THAT IS
32 OCCUPIED BY THE PERSON SHOWN ON THE CURRENT COUNTY ASSESSOR'S PROPERTY TAX
33 OWNERSHIP ROLL.

34 7. "RESIDENTIAL CONSERVATION INSPECTION DISTRICT" OR "DISTRICT" MEANS
35 A DISTRICT ESTABLISHED BY A CITY OR TOWN PURSUANT TO THIS CHAPTER.

36 8. "RESIDENTIAL DWELLING UNIT" MEANS A BUILDING OR STRUCTURE OR PART
37 OF A BUILDING OR STRUCTURE THAT IS USED FOR A HOME OR RESIDENCE BY ONE OR
38 MORE PERSONS WHO MAINTAIN A HOUSEHOLD.

39 9. "RESIDENTIAL RENTAL DWELLING UNIT" MEANS A DWELLING UNIT THAT IS
40 LEASED OR RENTED TO ONE OR MORE TENANTS. A DWELLING UNIT THAT IS OCCUPIED IN
41 PART BY THE OWNER OF THE DWELLING UNIT IS NOT A RESIDENTIAL RENTAL DWELLING
42 UNIT UNLESS A TENANT OCCUPIES A PART OF THE DWELLING UNIT THAT HAS ITS OWN
43 COOKING AND SLEEPING AREAS, A BATHROOM AND A SEPARATE ENTRANCE, UNLESS
44 OTHERWISE PROVIDED IN A ZONING ORDINANCE OF THE CITY OR TOWN.

1 9-1302. Residential conservation inspection districts:
2 ordinance; findings; interior and exterior
3 inspections

4 A. A CITY OR TOWN MAY ADOPT AN ORDINANCE TO ESTABLISH A RESIDENTIAL
5 CONSERVATION INSPECTION DISTRICT TO PROVIDE FOR INSPECTION OF RESIDENTIAL
6 DWELLING UNITS FOR COMPLIANCE WITH BUILDING CODES TO PROMOTE SAFE, DECENT AND
7 SANITARY HOUSING FOR ITS RESIDENTS. A CITY OR TOWN MAY ESTABLISH A
8 RESIDENTIAL CONSERVATION INSPECTION DISTRICT CONSISTING OF RESIDENTIAL RENTAL
9 DWELLING UNITS IF ALL OF THE FOLLOWING APPLY:

10 1. THE RESIDENTIAL RENTAL DWELLING UNITS ARE LOCATED IN A CONTIGUOUS
11 GEOGRAPHIC AREA ESTABLISHED BY THE CITY OR TOWN PURSUANT TO THIS CHAPTER.

12 2. THE CITY OR TOWN HAS MADE A FINDING THAT THE RESIDENTIAL RENTAL
13 DWELLING UNITS THAT ARE IN THE PROPOSED RESIDENTIAL CONSERVATION INSPECTION
14 DISTRICT ARE BLIGHTED OR IN THE PROCESS OF DETERIORATING, AND INTERIOR
15 INSPECTIONS OF RESIDENTIAL DWELLING UNITS LOCATED IN THE PROPOSED RESIDENTIAL
16 CONSERVATION INSPECTION DISTRICT ARE NECESSARY TO MAINTAIN SAFE, DECENT AND
17 SANITARY LIVING CONDITIONS FOR THE RESIDENTS LIVING IN THE PROPOSED
18 RESIDENTIAL CONSERVATION INSPECTION DISTRICT.

19 B. ON FORMATION OF A RESIDENTIAL CONSERVATION INSPECTION DISTRICT, THE
20 CITY OR TOWN MAY CONDUCT THE FOLLOWING INSPECTIONS FOR PROPERTY LOCATED IN
21 THAT DISTRICT:

22 1. EXTERIOR INSPECTIONS OF RESIDENTIAL DWELLING UNITS, INCLUDING BOTH
23 RESIDENTIAL RENTAL DWELLING UNITS AND OWNER-OCCUPIED DWELLING UNITS.

24 2. INTERIOR INSPECTIONS OF RESIDENTIAL RENTAL DWELLING UNITS IF
25 REQUESTED BY THE OWNER OF RECORD OR A LAWFUL TENANT OR AS OTHERWISE
26 NECESSARY.

27 3. FOR MULTIFAMILY HOUSING WITH MORE THAN TEN DWELLING UNITS, A SAMPLE
28 INSPECTION OF AT LEAST TWO DWELLING UNITS BUT NOT MORE THAN TEN PER CENT OF
29 THE TOTAL NUMBER OF UNITS. THE TOTAL NUMBER OF UNITS SHALL BE DETERMINED BY
30 INCLUDING ALL OF THE MULTIFAMILY BUILDINGS THAT ARE A PART OF THAT
31 MULTIFAMILY DEVELOPMENT. IF THE CITY OR TOWN DETERMINES AFTER THE SAMPLE
32 INSPECTION THAT THERE ARE VIOLATIONS OF THE BUILDING CODE AND THOSE
33 VIOLATIONS MATERIALLY AFFECT THE HEALTH AND SAFETY OF THE RESIDENTS OF THAT
34 MULTIFAMILY DEVELOPMENT, THE CITY OR TOWN MAY INSPECT AS MANY DWELLING UNITS
35 AS NECESSARY TO ENFORCE THE BUILDING CODE.

36 C. A CITY OR TOWN SHALL LIMIT THE BOUNDARIES OF ANY PROPOSED
37 RESIDENTIAL CONSERVATION INSPECTION DISTRICT TO THOSE AREAS THAT MEET THE
38 CRITERIA PRESCRIBED IN SUBSECTION A.

39 D. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF A
40 CITY OR TOWN TO:

41 1. PERFORM AN EXTERIOR INSPECTION OF ANY PROPERTY IN THE CITY OR
42 TOWN'S JURISDICTION AT ANY TIME, WITHOUT REGARD TO ITS LOCATION IN OR OUTSIDE
43 OF A RESIDENTIAL CONSERVATION INSPECTION DISTRICT.

1 2. ON RECEIPT OF A COMPLAINT FROM THE OWNER OR LAWFUL TENANT, PERFORM
2 AN INTERIOR INSPECTION OF ANY PROPERTY IN THE CITY OR TOWN'S JURISDICTION
3 WITHOUT REGARD TO ITS LOCATION IN OR OUTSIDE OF A RESIDENTIAL CONSERVATION
4 INSPECTION DISTRICT.

5 9-1303. Residential conservation inspection district notice of
6 intent; hearing; annual renewal

7 A. A RESIDENTIAL CONSERVATION INSPECTION DISTRICT MAY BE ESTABLISHED
8 BY THE CITY OR TOWN ONLY ON COMPLIANCE WITH THE FOLLOWING:

9 1. THE CITY OR TOWN SHALL ADOPT A NOTICE OF INTENTION TO FORM A
10 RESIDENTIAL CONSERVATION INSPECTION DISTRICT BY MOTION AT A REGULAR MEETING
11 OF THE GOVERNING BODY AND SHALL SET A DATE FOR A PUBLIC HEARING ON THE
12 PROPOSED DESIGNATION. THE PUBLIC HEARING SHALL BE HELD NOT LESS THAN THIRTY
13 DAYS AFTER ADOPTION OF THE NOTICE OF INTENTION. A COPY OF THE NOTICE OF
14 INTENTION THAT SHOWS THE DATE, TIME AND LOCATION OF THE HEARING SHALL BE
15 PUBLISHED TWO TIMES IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE
16 BOUNDARIES OF THE MUNICIPALITY NOT LESS THAN TWENTY DAYS AND TEN DAYS,
17 RESPECTIVELY, BEFORE THE DATE OF THE PUBLIC HEARING.

18 2. THE CITY OR TOWN SHALL NOTIFY PROPERTY OWNERS WITHIN THE BOUNDARIES
19 OF THE PROPOSED RESIDENTIAL CONSERVATION INSPECTION DISTRICT AT LEAST TWO
20 WEEKS BEFORE THE PUBLIC HEARING BY SENDING CERTIFIED MAIL TO THE OWNER OF
21 RECORD AS SHOWN ON THE COUNTY ASSESSOR'S PROPERTY TAX ROLLS OR THE COUNTY
22 ASSESSOR'S RENTAL PROPERTY REGISTRY.

23 3. AFTER HOLDING THE PUBLIC HEARING, THE CITY OR TOWN MAY ADOPT BY
24 ORDINANCE THE PROPOSED RESIDENTIAL CONSERVATION INSPECTION DISTRICT. THE
25 ORDINANCE SHALL INCLUDE A DESCRIPTION OR DESIGNATION OF THE PHYSICAL
26 BOUNDARIES OF THE DISTRICT.

27 4. ON CREATION OF A RESIDENTIAL CONSERVATION INSPECTION DISTRICT, THE
28 CITY OR TOWN SHALL MAKE REASONABLE EFFORTS TO PROVIDE NOTICE OF THE ADOPTION
29 OF THE INSPECTION ORDINANCE TO THE OWNERS OF RESIDENTIAL DWELLING UNITS IN
30 THE DESIGNATED INSPECTION DISTRICT, OR THEIR DESIGNATED MANAGING AGENTS, AND
31 ANY RESIDENTIAL RENTAL UNIT OCCUPANTS. THE CITY OR TOWN SHALL PROVIDE
32 INFORMATION AND AN EXPLANATION OF THE INSPECTION ORDINANCE AND THE
33 RESPONSIBILITIES OF THE OWNERS AND AFFECTED RENTAL UNIT OCCUPANTS AND SHALL
34 MAKE THAT INFORMATION WIDELY AVAILABLE.

35 5. THE CITY OR TOWN SHALL CONDUCT A PUBLIC HEARING AT LEAST ANNUALLY
36 TO HEAR FROM OWNERS, RESIDENTS AND CITY STAFF ON THE PROGRESS OF THE
37 RESIDENTIAL CONSERVATION INSPECTION DISTRICT AND SHALL VOTE ON WHETHER TO
38 CONTINUE A DESIGNATED RESIDENTIAL CONSERVATION INSPECTION DISTRICT. IF THE
39 CITY OR TOWN DOES NOT VOTE TO CONTINUE A RESIDENTIAL CONSERVATION INSPECTION
40 DISTRICT OR TAKES NO ACTION, THE RESIDENTIAL CONSERVATION INSPECTION DISTRICT
41 IS DISSOLVED.

42 B. A CITY OR TOWN MAY NOT CONDUCT AREA-WIDE INTERIOR INSPECTIONS OF
43 RESIDENTIAL RENTAL PROPERTIES WITHOUT THE DESIGNATION BY ORDINANCE OF A
44 RESIDENTIAL CONSERVATION INSPECTION DISTRICT.

1 9-1304. Residential conservation inspection district
2 inspections; additional inspections; individual
3 property inspections

4 A. ON FORMATION OF A RESIDENTIAL CONSERVATION INSPECTION DISTRICT AND
5 AFTER PROVIDING REASONABLE NOTICE TO THE PROPERTY OWNER OF RECORD OR THE
6 LAWFUL TENANT, A CITY OR TOWN MAY:

7 1. INSPECT THE INTERIOR OF RESIDENTIAL RENTAL DWELLING UNITS IN THE
8 RESIDENTIAL CONSERVATION INSPECTION DISTRICT FOR COMPLIANCE WITH THE BUILDING
9 CODE.

10 2. BEFORE ENTRY, OBTAIN A WARRANT FOR THE INTERIOR INSPECTION OF A
11 RESIDENTIAL RENTAL DWELLING UNIT IN THE RESIDENTIAL CONSERVATION INSPECTION
12 DISTRICT, IF THE OWNER OF RECORD OR A LAWFUL TENANT DOES NOT AUTHORIZE THE
13 INTERIOR INSPECTION AFTER RECEIVING NOTICE AND A REQUEST FROM THE CITY OR
14 TOWN.

15 B. AFTER THE INITIAL INSPECTION OF A RESIDENTIAL RENTAL DWELLING UNIT
16 IN A RESIDENTIAL CONSERVATION INSPECTION DISTRICT, THE CITY OR TOWN MAY
17 CONDUCT ADDITIONAL INTERIOR INSPECTIONS OF THE UNIT NO MORE THAN ONCE EACH
18 CALENDAR YEAR, UNLESS OTHERWISE EXEMPTED BY THIS SECTION.

19 C. ON ISSUANCE OF A CITATION FOR VIOLATION OF A BUILDING CODE, THE
20 CITY OR TOWN MAY CONDUCT FOLLOW-UP INSPECTIONS OF THE DWELLING UNIT AS THE
21 CITY OR TOWN DEEMS NECESSARY UNTIL THE DWELLING UNIT IS BROUGHT INTO CODE
22 COMPLIANCE.

23 D. FOR ANY INITIAL OR PERIODIC INSPECTION OF A RESIDENTIAL RENTAL
24 DWELLING UNIT IN A DISTRICT FOR WHICH THE CITY OR TOWN DOES NOT ISSUE ANY
25 CITATIONS FOR VIOLATIONS THAT MATERIALLY AFFECT THE HEALTH AND SAFETY OF THE
26 RESIDENTS, THE OWNER OF THE RESIDENTIAL DWELLING UNIT IS EXEMPT FROM THE
27 INSPECTION ORDINANCE FOR A MINIMUM OF FIVE YEARS OR UNTIL THE RESIDENTIAL
28 CONSERVATION INSPECTION DISTRICT IS DISSOLVED.

29 E. ON THE TRANSFER OF TITLE OF A RESIDENTIAL RENTAL DWELLING UNIT THAT
30 HAS NOT BEEN EXEMPTED, THE CITY OR TOWN MAY PERFORM A PERIODIC INSPECTION AS
31 PROVIDED IN SUBSECTION B OF THIS SECTION AFTER THE TRANSFER. IF A
32 RESIDENTIAL RENTAL DWELLING UNIT HAS BEEN ISSUED A CERTIFICATE OF OCCUPANCY
33 WITHIN THE PRECEDING FIVE YEARS, THE CITY OR TOWN SHALL GRANT AN EXEMPTION
34 FOR A MINIMUM PERIOD OF FIVE YEARS FROM THE DATE OF THE ISSUANCE OF THE
35 CERTIFICATE OF OCCUPANCY. IF THE RESIDENTIAL RENTAL DWELLING UNIT VIOLATES
36 THE BUILDING CODE DURING THE EXEMPTION PERIOD, THE CITY OR TOWN MAY REVOKE
37 THE EXEMPTION.

38 F. FOR INDIVIDUAL RENTAL PROPERTIES THAT ARE NOT LOCATED IN A
39 RESIDENTIAL CONSERVATION INSPECTION DISTRICT, THE CITY OR TOWN MAY CONDUCT
40 INTERIOR INSPECTIONS ONLY IF AN EXTERIOR INSPECTION OF THE PROPERTY OR A
41 REVIEW OF THE PROPERTY'S HISTORY DEMONSTRATES ANY OF THE FOLLOWING:

42 1. CONDITIONS THAT MATERIALLY AFFECT THE HEALTH AND SAFETY OF THE
43 OCCUPANTS AS PRESCRIBED BY SECTION 9-1305.

44 2. A SIGNIFICANT LEVEL OF CRIME ASSOCIATED WITH THE PROPERTY.

1 3. A DOCUMENTED HISTORY OF HOUSING AND PROPERTY MAINTENANCE CITATIONS.
2 4. THE OWNER REPEATEDLY FAILS TO COMPLY WITH ENFORCEMENT REQUIREMENTS
3 IMPOSED BY THE CITY OR TOWN.

4 G. IF THE CITY OR TOWN DETERMINES PURSUANT TO SUBSECTION F OF THIS
5 SECTION THAT AN INTERIOR INSPECTION IS REASONABLY NECESSARY AND THE
6 PROPERTY'S TENANT HAS VACATED, THE CITY OR TOWN MAY REQUIRE AN ADDITIONAL
7 INSPECTION AND APPROVAL BY THE CITY OR TOWN BEFORE A NEW OCCUPANCY IS
8 PERMITTED.

9 H. A CITY OR TOWN MAY DESIGNATE ANY OF ITS DEPARTMENTS TO PERFORM ALL
10 OR PART OF THE DUTIES GRANTED TO THE CITY OR TOWN PURSUANT TO THIS CHAPTER.

11 9-1305. Material effect on health and safety of occupants

12 FOR THE PURPOSES OF THIS CHAPTER, A CONDITION THAT MATERIALLY AFFECTS
13 THE HEALTH AND SAFETY OF THE OCCUPANTS OF A RESIDENTIAL RENTAL DWELLING UNIT
14 INCLUDES ANY OF THE FOLLOWING CONDITIONS:

15 1. INADEQUATE SANITATION, VENTILATION OR SPACE REQUIREMENTS, INCLUDING
16 THE FOLLOWING:

17 (a) LACK OF OR INADEQUATE WATER CLOSETS, LAVATORIES, BATHTUBS OR
18 SHOWERS.

19 (b) LACK OF A REQUIRED KITCHEN SINK OR A KITCHEN SINK THAT DOES NOT
20 COMPLY WITH THE BUILDING CODE OF THE CITY OR TOWN IN WHICH THE PROPERTY IS
21 LOCATED.

22 (c) LACK OF HOT AND COLD RUNNING WATER TO PLUMBING FIXTURES.

23 (d) LACK OF ADEQUATE HEATING AND COOLING.

24 (e) LACK OF OR IMPROPER OPERATION OF REQUIRED VENTILATING EQUIPMENT OR
25 BROKEN OR MISSING WINDOWS OR DOORS THAT CREATE A HAZARDOUS CONDITION OR A
26 POTENTIAL ATTRACTION TO TRESPASSERS.

27 (f) LACK OF MINIMUM AMOUNTS OF NATURAL LIGHT AND VENTILATION AS
28 REQUIRED BY THE BUILDING CODE.

29 (g) INADEQUATE ROOM AND SPACE DIMENSIONS AS REQUIRED BY THE BUILDING
30 CODE.

31 (h) LACK OF REQUIRED ADEQUATE ELECTRICITY AND LIGHTING AS REQUIRED BY
32 THE BUILDING CODE.

33 (i) INFESTATION OF INSECTS, VERMIN OR RODENTS.

34 (j) LACK OF CONNECTION TO A SEWAGE DISPOSAL SYSTEM AS REQUIRED BY THE
35 BUILDING CODE.

36 (k) LACK OF ADEQUATE GARBAGE AND RUBBISH STORAGE AND REMOVAL
37 FACILITIES.

38 2. STRUCTURAL HAZARDS, INCLUDING THE FOLLOWING:

39 (a) DETERIORATED OR INADEQUATE FOUNDATIONS OR FOUNDATION AREAS THAT
40 ARE NOT PROVIDED WITH ADEQUATE DRAINAGE.

41 (b) FLOORING OR FLOOR SUPPORTS OF INSUFFICIENT SIZE TO CARRY IMPOSED
42 LOADS WITH SAFETY.

1 (c) MEMBERS OF WALLS, PARTITIONS OR OTHER VERTICAL SUPPORTS THAT
2 SPLIT, LEAN, LIST OR BUCKLE DUE TO DEFECTIVE MATERIAL OR DETERIORATION.

3 (d) MEMBERS OF CEILINGS, ROOFS, CEILING AND ROOF SUPPORTS OR OTHER
4 HORIZONTAL MEMBERS THAT SAG, SPLIT OR BUCKLE DUE TO DEFECTIVE MATERIAL OR
5 DETERIORATION.

6 (e) FIREPLACES OR CHIMNEYS THAT LIST, BULGE OR SETTLE DUE TO DEFECTIVE
7 MATERIAL OR DETERIORATION OR THAT ARE OF INSUFFICIENT SIZE OR STRENGTH TO
8 CARRY IMPOSED LOADS WITH SAFETY.

9 3. HAZARDOUS WIRING THAT DOES NOT CONFORM WITH THE BUILDING CODE OR
10 THAT HAS NOT BEEN MAINTAINED IN GOOD CONDITION, OR BOTH, AND THAT IS NOT
11 BEING USED IN A SAFE MANNER.

12 4. HAZARDOUS PLUMBING THAT DOES NOT CONFORM WITH THE BUILDING CODE OR
13 THAT HAS NOT BEEN MAINTAINED IN GOOD CONDITION, OR BOTH, AND THAT IS NOT FREE
14 OF CROSS-CONNECTIONS AND SIPHONAGE BETWEEN FIXTURES.

15 5. HAZARDOUS MECHANICAL EQUIPMENT INCLUDING VENTS THAT DO NOT CONFORM
16 WITH THE BUILDING CODE OR THAT HAVE NOT BEEN MAINTAINED IN GOOD AND SAFE
17 CONDITION AND THAT ARE NOT WORKING PROPERLY.

18 6. FAULTY WEATHER PROTECTION THAT MAY INCLUDE:

19 (a) SIGNIFICANTLY DETERIORATED, CRUMBLING OR LOOSE PLASTER.

20 (b) DETERIORATED OR INEFFECTIVE WATERPROOFING OF EXTERIOR WALLS, ROOF,
21 FOUNDATIONS OR FLOORS, INCLUDING BROKEN WINDOWS OR DOORS.

22 (c) DEFECTIVE OR LACK OF WEATHER PROTECTION FOR EXTERIOR WALL
23 COVERINGS, INCLUDING LACK OF PAINT, OR WEATHERING DUE TO LACK OF PAINT OR
24 OTHER APPROVED PROTECTIVE COVERING.

25 (d) BROKEN, ROTTED, SPLIT OR BUCKLED EXTERIOR WALL COVERINGS OR ROOF
26 COVERINGS.

27 7. FIRE HAZARDS OR INADEQUATE FIRE PROTECTION, INCLUDING:

28 (a) ANY BUILDING OR PORTION OF A BUILDING OR ANY DEVICE, APPARATUS,
29 EQUIPMENT, COMBUSTIBLE WASTE OR VEGETATION THAT IS NOT IN COMPLIANCE WITH THE
30 BUILDING CODE AND THAT IS IN SUCH A CONDITION AS TO CAUSE A FIRE OR EXPLOSION
31 OR TO PROVIDE A READY FUEL TO AUGMENT THE SPREAD AND INTENSITY OF A FIRE OR
32 EXPLOSION ARISING FROM ANY CAUSE.

33 (b) ANY BUILDING OR PORTION OF A BUILDING THAT IS NOT PROVIDED WITH
34 FIRE-RESISTIVE CONSTRUCTION OR FIRE EXTINGUISHING SYSTEMS OR EQUIPMENT
35 REQUIRED BY THE BUILDING CODE, EXCEPT THOSE BUILDINGS OR PORTIONS OF
36 BUILDINGS THAT CONFORMED WITH ALL APPLICABLE BUILDING CODE LAWS AND THAT HAVE
37 FIRE-RESISTIVE INTEGRITY AND FIRE EXTINGUISHING SYSTEMS OR EQUIPMENT THAT HAS
38 BEEN ADEQUATELY MAINTAINED AND IMPROVED IN RELATION TO ANY INCREASE IN
39 OCCUPANT LOAD, ALTERATION OR ADDITION, OR ANY CHANGE IN OCCUPANCY.

40 (c) LACK OF ADEQUATE FIRE DETECTION SYSTEMS AS REQUIRED BY LAW.

41 8. FAULTY MATERIALS OR CONSTRUCTION THAT IS NOT SPECIFICALLY ALLOWED
42 OR APPROVED BY THE BUILDING CODE OR THAT HAS NOT BEEN ADEQUATELY MAINTAINED
43 IN GOOD AND SAFE CONDITION.

9. HAZARDOUS OR UNSANITARY PREMISES, INCLUDING THOSE PREMISES ON WHICH AN ACCUMULATION OF WEEDS, VEGETATION, REFUSE, DEAD ORGANIC MATTER, DEBRIS, GARBAGE, OFFAL, RAT HARBORAGES, STAGNANT WATER, COMBUSTIBLE MATERIALS AND SIMILAR MATERIALS OR CONDITIONS CONSTITUTE FIRE, HEALTH OR SAFETY HAZARDS.

10. INADEQUATE MAINTENANCE, INCLUDING ANY BUILDING OR PORTION OF A BUILDING THAT IS DETERMINED TO BE AN UNSAFE BUILDING IN ACCORDANCE WITH THE BUILDING CODE.

11. UNHEALTHY CONDITIONS, INCLUDING ANY CONDITION AS DEFINED IN THE BUILDING CODE THAT RESULTS IN THE FAILURE TO MAINTAIN MINIMUM STANDARDS OF SANITATION, HEALTH OR SAFETY OR THAT RENDERS AIR, FOOD OR DRINK UNWHOLESOME OR DETRIMENTAL TO HEALTH.

12. INADEQUATE EXITS, INCLUDING ALL BUILDINGS OR PORTIONS OF A BUILDING THAT ARE NOT PROVIDED WITH ADEQUATE EXIT FACILITIES AS REQUIRED BY THE BUILDING CODE AND THAT HAVE BEEN ADEQUATELY MAINTAINED AND INCREASED IN RELATION TO ANY INCREASE IN OCCUPANT LOAD, ALTERATION OR ADDITION, OR ANY CHANGE IN OCCUPANCY.

13. IMPROPER OCCUPANCY, INCLUDING ALL BUILDINGS OR PORTIONS OF A BUILDING THAT ARE OCCUPIED FOR LIVING, SLEEPING, COOKING OR DINING PURPOSES AND THAT WERE NOT DESIGNED AND PERMITTED TO BE USED FOR SUCH OCCUPANCIES, OR THAT ARE OCCUPIED IN EXCESS OF THE MAXIMUM OCCUPANCY LOAD ALLOWED BY ANY APPLICABLE PROVISION OF THE BUILDING CODE OR STATE LAW.

9-1306. Preemption of citywide program; applicability; enforcement

A CITY OR TOWN SHALL NOT ADOPT OR ESTABLISH ANY OF THE FOLLOWING:

1. A CITYWIDE LICENSING REQUIREMENT FOR RESIDENTIAL RENTAL PROPERTIES OR PROPERTY OWNERS. THIS PARAGRAPH SHALL NOT BE CONSTRUED TO PREVENT A CITY OR TOWN THAT IMPOSES A SALES TAX ON RENT FROM REQUIRING A TRANSACTION PRIVILEGE TAX LICENSE FOR RESIDENTIAL RENTAL PROPERTY OWNERS.

2. A CITYWIDE RESIDENTIAL RENTAL REGISTRATION PROGRAM. A CITY OR TOWN SHALL OBTAIN RENTAL REGISTRATION INFORMATION ONLY FROM THE COUNTY ASSESSOR'S OFFICE FOR THE COUNTY IN WHICH THE RESIDENTIAL RENTAL PROPERTY IS LOCATED.

3. A CITYWIDE RESIDENTIAL RENTAL INTERIOR INSPECTION ORDINANCE OR RESOLUTION. A CITY OR TOWN MAY ONLY PERFORM INTERIOR INSPECTIONS ON INDIVIDUAL PROPERTIES THAT MEET ONE OR MORE OF THE FOLLOWING CRITERIA:

(a) THE PROPERTY IS LOCATED IN A RESIDENTIAL CONSERVATION INSPECTION DISTRICT ESTABLISHED BY THE CITY OR TOWN.

(b) THE PROPERTY HAS BEEN FOUND TO HAVE CONDITIONS THAT MATERIALLY AFFECT THE HEALTH AND SAFETY OF THE OCCUPANTS OF THE DWELLING UNIT AS PRESCRIBED BY SECTION 9-1305.

(c) ON REQUEST OF THE OWNER OF RECORD OR A LAWFUL TENANT.

9-1307. Inspection fees; penalties

A. A CITY OR TOWN SHALL NOT CHARGE A FEE FOR EXTERIOR INSPECTIONS, INTERIOR INSPECTIONS THAT ARE REQUESTED BY AN OWNER OF RECORD OR A LAWFUL TENANT OR FOR INITIAL OR PERIODIC INSPECTIONS REQUIRED UNDER A RESIDENTIAL CONSERVATION INSPECTION DISTRICT ORDINANCE.

1 B. A CITY OR TOWN MAY CHARGE A FEE:
2 1. FOR EACH FOLLOW-UP INSPECTION TO ENSURE COMPLIANCE WITH A CITATION
3 ISSUED FOR VIOLATIONS OF THE BUILDING CODE THAT MATERIALLY AFFECT THE HEALTH
4 AND SAFETY OF RESIDENTS. THE FEE SHALL NOT EXCEED THE REASONABLE COST TO THE
5 CITY OR TOWN IN PERFORMING THE FOLLOW-UP INSPECTION.
6 2. IF AN OWNER FAILS TO CORRECT A VIOLATION FOR WHICH A CITATION HAS
7 BEEN ISSUED AND THE OWNER HAS BEEN GIVEN ADEQUATE TIME TO CORRECT THE
8 VIOLATION. FOR THE PURPOSES OF THIS PARAGRAPH, ADEQUATE TIME SHALL BE NO
9 LESS THAN FIFTEEN CALENDAR DAYS, AND THE FEE OR ADMINISTRATIVE PENALTY UNDER
10 THIS PARAGRAPH SHALL NOT EXCEED TWO HUNDRED FIFTY DOLLARS PER VIOLATION FOR
11 EACH MONTH OF VIOLATION.
12 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, VIOLATIONS OF THE
13 BUILDING CODE THAT IMMEDIATELY THREATEN THE HEALTH AND SAFETY OF OCCUPANTS
14 SHALL BE CITED AND REPAIRED IMMEDIATELY.
15 Sec. 2. Section 33-1247, Arizona Revised Statutes, is amended to read:
16 33-1247. Upkeep of the condominium
17 A. Except to the extent provided by the declaration, subsection ~~B-~~ C
18 of this section or section 33-1253, subsection B, the association is
19 responsible for maintenance, repair and replacement of the common elements
20 and each unit owner is responsible for maintenance, repair and replacement of
21 ~~his~~ THE unit. On reasonable notice, each unit owner shall afford to the
22 association and the other unit owners, and to their agents or employees,
23 access through ~~his~~ THE unit reasonably necessary for those purposes. If
24 damage is inflicted on the common elements or any unit through which access
25 is taken, the unit owner responsible for the damage, or the association if it
26 is responsible, is liable for the prompt repair of the damage.
27 B. FOR ANY RESIDENTIAL RENTAL UNITS THAT HAVE BEEN DECLARED A SLUM
28 PROPERTY BY THE CITY OR TOWN PURSUANT TO SECTION 33-1905 AND THAT ARE IN THE
29 CONDOMINIUM COMPLEX, THE ASSOCIATION IS RESPONSIBLE FOR ENFORCING ANY
30 REQUIREMENT FOR A LICENSED PROPERTY MANAGEMENT FIRM THAT IS IMPOSED BY A CITY
31 OR TOWN PURSUANT TO SECTION 33-1906.
32 ~~B-~~ C. In addition to the liability borne by the declarant as a unit
33 owner under this chapter, the declarant alone is liable for the maintenance,
34 repair and replacement of any portion of the common elements which the
35 declarant reserves the right to withdraw from the condominium, as long as ~~he~~
36 THE UNIT OWNER maintains that right.
37 Sec. 3. Title 33, chapter 16, article 1, Arizona Revised Statutes, is
38 amended by adding section 33-1814, to read:
39 33-1814. Slum property; professional management
40 FOR ANY RESIDENTIAL RENTAL UNITS THAT HAVE BEEN DECLARED A SLUM
41 PROPERTY BY THE CITY OR TOWN PURSUANT TO SECTION 33-1905 AND THAT ARE IN THE
42 PLANNED COMMUNITY, THE ASSOCIATION IS RESPONSIBLE FOR ENFORCING ANY
43 REQUIREMENT FOR A LICENSED PROPERTY MANAGEMENT FIRM THAT IS IMPOSED BY A CITY
44 OR TOWN PURSUANT TO SECTION 33-1906.

1 Sec. 4. Section 33-1902, Arizona Revised Statutes, is amended to read:
 2 33-1902. Residential rental property; recording with the
 3 assessor; agent designation; civil penalty

4 A. An owner of residential rental property shall maintain with the
 5 assessor in the county where the property is located information required by
 6 this section in a manner to be determined by the assessor. The owner shall
 7 update any information required by this section within ten days after a
 8 change in the information occurs. The following information shall be
 9 maintained:

10 1. The name, address and telephone number of the property owner.

11 2. If the property is owned by a corporation, limited liability
 12 company, partnership, limited partnership, trust or real estate investment
 13 trust, the name, address and telephone number of any of the following:

14 (a) For a corporation, a corporate officer.

15 (b) For a partnership, a general partner.

16 (c) For a limited liability company, the managing or administrative
 17 member.

18 (d) For a limited partnership, a general partner.

19 (e) For a trust, a trustee.

20 (f) For a real estate investment trust, a general partner or an
 21 officer.

22 3. The street address and parcel number of the property.

23 4. The year the building was built.

24 B. An owner of residential rental property who lives outside this
 25 state shall designate and record with the assessor a statutory agent who
 26 lives in this state and who will accept legal service on behalf of the owner.
 27 The owner shall designate the agent in a manner to be determined by the
 28 assessor. The information shall include the name, address and telephone
 29 number of the agent.

30 C. Residential rental property shall not be occupied if the
 31 information required by this section is not on file with the county assessor.
 32 If the owner has not filed the information required by this section with the
 33 county assessor and the residential rental property is occupied by a tenant
 34 and the tenant chooses to terminate the tenancy, the tenant shall deliver to
 35 the landlord, owner or managing agent of the property a written ten day
 36 notice to comply with this section. The notice shall be delivered by
 37 certified mail, return receipt requested, or by hand delivery. If the owner
 38 does not comply with this section within ten days after receipt of the
 39 notice, the tenant may terminate the rental agreement and the landlord shall
 40 return all prepaid rent to the tenant. Security deposits shall be returned
 41 in accordance with section 33-1321, subsection D. The landlord shall return
 42 those monies by certified mail, return receipt requested, or by hand delivery
 43 to the tenant within ten days after the termination of the rental
 44 agreement. This subsection applies to any existing lease and to any new
 45 lease after ~~the effective date of this amendment to this section~~ AUGUST 25,

2004. Notwithstanding this subsection, an owner is in compliance with this subsection only if the owner had filed the information required by subsection A of this section with the county assessor.

D. All records, files and documents that are required by this section are public records.

E. FOR RESIDENTIAL RENTAL PROPERTY THAT IS ACQUIRED BY AN OWNER AFTER THE DATE OF THE NOTICE OF ASSESSED VALUATION AND THE NOTICE PRESCRIBED BY SECTION 42-15103 AND UNTIL THE ISSUANCE OF THE NEXT NOTICE OF ASSESSED VALUATION, A CITY OR TOWN SHALL ASSESS A CIVIL PENALTY OF ONE THOUSAND DOLLARS AGAINST a person who fails to comply with this section ~~shall be assessed a civil penalty of one thousand dollars~~, plus an additional one hundred dollars for each month after the date of the original violation until compliance occurs. The court shall not suspend any portion of the civil penalty provided by this subsection.

F. Notwithstanding subsection E of this section, if a person complies within ten days after receiving the complaint that notices the violation, the court shall dismiss the complaint and shall not impose a civil penalty.

G. EXCEPT FOR NEWLY ACQUIRED RESIDENTIAL RENTAL PROPERTY AS PRESCRIBED BY SUBSECTION E OF THIS SECTION, IF A RESIDENTIAL RENTAL PROPERTY OWNER FAILS TO REGISTER WITH THE COUNTY ASSESSOR AS PRESCRIBED BY THIS SECTION, THE CITY OR TOWN MAY IMPOSE A CIVIL PENALTY PAYABLE TO THE CITY OR TOWN IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS PER DAY FOR EACH DAY OF VIOLATION. THE CITY OR TOWN MAY ALSO IMPOSE ENHANCED INSPECTION AND ENFORCEMENT MEASURES ON THE PROPERTY.

~~G.~~ H. In carrying out this section, the county assessor shall have immunity as provided in section 12-820.01.

I. THE COUNTY ASSESSOR MAY ASSESS A FEE OF NOT MORE THAN TEN DOLLARS FOR EACH INITIAL REGISTRATION AND EACH CHANGE OF INFORMATION IN THE REGISTRY.

Sec. 5. Title 33, chapter 17, article 1, Arizona Revised Statutes, is amended by adding section 33-1906, to read:

33-1906. Licensed property management company; training program

A CITY OR TOWN MAY REQUIRE A RESIDENTIAL RENTAL PROPERTY OWNER WHOSE PROPERTY HAS BEEN DESIGNATED AS A SLUM OR EXHIBITS THE CRITERIA PRESCRIBED IN SECTION 9-1305, RELATING TO VIOLATIONS THAT MATERIALLY AFFECT THE HEALTH AND SAFETY OF THE OCCUPANTS OF THE PROPERTY, TO HIRE A PROPERTY MANAGEMENT FIRM THAT IS REGULATED PURSUANT TO TITLE 32, CHAPTER 20, ARTICLE 3.1 TO MANAGE THE PROPERTY, PARTICIPATE IN THE CITY OR TOWN'S CRIME FREE MULTIHOUSING PROGRAM, IF APPLICABLE, AND ATTEND CITY OR TOWN APPROVED LANDLORD TENANT TRAINING CLASSES IF AVAILABLE FROM THE CITY OR TOWN. THE CITY OR TOWN MAY ALSO REQUIRE THE PROPERTY OWNER TO PARTICIPATE IN COMPARABLE TRAINING PROVIDED BY A NONPROFIT CORPORATION THAT IS DESIGNATED AS A SECTION 501(c)(3), 501(c)(4), 501(c)(5) OR 501(c)(6) CORPORATION AND THAT IS CERTIFIED BY THE CITY OR TOWN TO PROVIDE THAT TRAINING.

1 Sec. 6. Section 42-15103, Arizona Revised Statutes, is amended to
2 read:

3 42-15103. Contents of notice form

4 The notice form shall:

5 1. Prominently display a statement informing property owners that if a
6 parcel of property is used as a rental unit and the property is listed on the
7 notice as class three pursuant to section 42-12003, the owner must notify the
8 county assessor of the rental use of the property or be subject to a civil
9 penalty prescribed by section 42-12052.

10 2. Include a form with instructions on the procedure and deadlines for
11 appealing the assessed valuation shown on the notice. The appeal form for
12 property that is listed as class three pursuant to section 42-12003 shall
13 contain simplified instructions and shall be separate from the appeal form
14 for other classes of property.

15 3. PROVIDE IN A SEPARATE ADDENDUM A STATEMENT INFORMING PROPERTY
16 OWNERS OF ALL OF THE FOLLOWING:

17 (a) IF A PARCEL OF PROPERTY IS LISTED ON THE NOTICE AS CLASS FOUR, THE
18 OWNER MUST REGISTER THE RESIDENTIAL RENTAL PROPERTY WITH THE COUNTY ASSESSOR
19 PURSUANT TO SECTION 33-1902 OR THE OWNER MAY BE SUBJECT TO A PENALTY.

20 (b) IF THE OWNER IS REQUIRED TO REGISTER THE RENTAL PROPERTY WITH THE
21 COUNTY ASSESSOR AND FAILS TO DO SO AFTER RECEIPT OF THIS NOTICE, THE CITY OR
22 TOWN MAY IMPOSE A CIVIL PENALTY PAYABLE TO THE CITY OR TOWN IN THE AMOUNT OF
23 ONE HUNDRED FIFTY DOLLARS PER DAY FOR EACH DAY OF VIOLATION, AND THE CITY OR
24 TOWN MAY IMPOSE ENHANCED INSPECTION AND ENFORCEMENT MEASURES ON THE PROPERTY.

25 (c) IF THE CITY OR TOWN IN WHICH THE PROPERTY IS LOCATED REQUIRES THE
26 LESSOR TO PAY TRANSACTION PRIVILEGE TAX ON RESIDENTIAL RENT, A NOTICE OF
27 APPLICABLE REQUIREMENTS IMPOSED BY THE CITY OR TOWN AND THAT FAILURE TO PAY
28 THE APPLICABLE SALES TAX COULD RESULT IN A PENALTY OR FINE BY THE CITY OR
29 TOWN.

30 (d) A NOTICE THAT RESIDENTIAL RENTAL PROPERTIES ARE REQUIRED TO COMPLY
31 WITH THE LANDLORD TENANT LAW PURSUANT TO TITLE 33, CHAPTERS 10 AND 11.